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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,666	04/05/2001	Joseph Herbert McIntyre	AUS920010220US1	3499

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EXAMINER	
AGDEPPA, HECTOR A	

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/826,666	Applicant(s) MCINTYRE, JOSEPH HERBERT	
	Examiner Hector A. Agdeppa	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 6/1/04. Claims 1 - 31 are now pending in the present application. **This action is made final.**

Double Patenting

2. Claims 1 – 31 are provisionally rejected under the judicially created doctrine of double patenting over claims 1 - 35 of copending Application No. 09/826,663 in the previous office action.

Examiner acknowledges that applicant agrees to execute and file a Terminal Disclaimer to obviate this rejection upon a determination of allowable claims. However, this office action does not indicate any allowable claims and so the rejection is respectfully maintained and incorporated by reference as set forth in the last office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 2002/0085687 (Contractor et al.)

As to claims 1 and 16, Tatchell et al. teaches a call forward feature wherein the personal agent 11 allows the subscriber to direct incoming calls to

one of a plurality of subscriber numbers to their current location or some other predetermined location. (Abstract, Col. 9, line 29 – Col. 12, line 19, Col. 18, line 55 – Col. 22, line 33 of Tatchell et al.) Tatchell et al. also teaches that the subscriber, via personal agent 11, can invoke another feature which allows for a subscriber to receive an announcement as to, for example, the identity of the calling party. The subscriber may then choose whether to accept, reject, or redirect the call, wherein the redirection is read as the claimed routing information. (Col. 19, lines 16 – 52, Col. 21, line 19 – Col. 22, line 20 of Tatchell et al.)

What Tatchell et al. does not teach displaying information on the subscriber's device and enabling a subscriber to input acceptance, rejection, or redirection on the device and displaying it.

However, Tatchell et al. teaches that the system and method may be implemented and accessed from a mobile telephone. (Col. 7, line 4 of Tatchell et al.) Mobile telephones inherently or at the least obviously have displays and have the ability to display such information as callerID information. In fact, Tatchell et al. teaches that such is well known. (Col. 1, lines 28 – 32, lines 49 – 53 of Tatchell et al.)

While Tatchell et al. specifically teaches using voice recognition to circumvent the need for displays, it still would have been obvious for one of ordinary skill in the art at the time the invention was made to simply not have the system translate text to speech as is done when a calling party cannot be identified in caller database. In such a situation, Tatchell et al. teaches that a

caller will be announced to the subscriber and the subscriber, using voice recognition, can accept, reject, or redirect the call as discussed above. (Col. 19, lines 28 – 38 of Tatchell et al.)

Again, all that is required to display instead of announce callers to the subscriber would be to merely not translate the text. Arguably this is simplification of the invention of Tatchell et al. and therefore obvious.

Also, Contractor et al. teaches that while mobile phones typically require a user to look at a display and as is known, to enter routing information on the mobile device, this is sometimes inconvenient and it is safer (while driving for example) to interact with a mobile telephone audibly. (P. 1, ¶ 0004 of Contractor et al.) Any user of mobile telephones can see an incoming call with callerID information (if available) and can choose to accept the call or decline the call by depressing a button on the device. I personally use an AT&T mobile telephone that allows such a feature.

Therefore, using audible methods and visual methods are old and well known and while there are motivations for using audible interaction, visual interaction is known and commonly used and therefore, it still would be obvious for one of ordinary skill in the art at the time the invention was made to use visual interaction in the invention of Tatchell et al.

Moreover, as to the claimed displaying said routing information input, whenever for example, a user enters anything on a mobile telephone keypad, a corresponding notation is displayed. If a user presses "1" to indicate that they want the call declined, a "1" is displayed.

As to claims 2, 5, 17, and 20, Tatchell et al. has been discussed above. What Tatchell et al. does not teach is where redirection is transferring the incoming call to a second number. Tatchell et al. teaches that when personal agent 11 receives a redirection response from the subscriber, the call is transferred to voice mail. Because Tatchell et al. teaches that the voice mail system 35 need not be integrated to personal agent system 11, (Col. 11, lines 5 – 10 of Tatchell et al.) redirection to the voice mail system could involve redirection to a second number, i.e., the number corresponding to the voice mail system).

Interpreted in another manner, however, it still would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed the subscriber to respond to the above discussed announcement with a call forward command and indicating what number to forward the incoming call to. This is because Tatchell et al. merely teaches that personal agent 11 will already know where the subscriber is currently located (see the above rejection of claims 1 and 17) or already knows to what number a subscriber wants any incoming calls forwarded to. In other words, the invention of Tatchell et al. differs only in when the call forwarding information is known/given. The end result is the same, the subscriber can choose to where he/she would like incoming calls forwarded to and is given the option at call reception to decide how a call is to be routed.

As to claims 3 and 18, Tatchell et al. teaches that when an incoming call is received, personal agent 11 will access the subscriber's personal database(s),

i.e., contact databases, call routing preferences, announcement preferences, etc. Moreover, Tatchell et al. teaches that the subscriber, via, his/her user device, a telephone, wired or mobile, may access the above mentioned databases and preferences to provision them as desired. (Col. 6, line 65 – Col. 8, line 56, Col. 9, lines 21 – 63, Col. 10, line 36 – Col. 12, line 14, Col. 13, line 54 – Col. 19, line 27 of Tatchell et al.)

As to claims 4, 6, 19, and 21, see the above rejection of claims 3 and 18. A mobile telephone is both wireless and cellular.

As to claims 10, 11, 25, and 26, Tatchell et al. teaches that in a pass through mode, personal agent 11 will not intercept or answer the call but will allow a call to pass. And if a busy or no answer situation arises, personal agent 11 will redirect the call to voice mail. (Col. 19, lines 20 – 27 of Tatchell et al.)

As to claims 12 and 27, Tatchell et al. teaches that various announcements may be played to a caller depending on the subscriber's predetermined preferences. (Col. 19, line 28 – Col. 20, line 11 of Tatchell et al.)

As to claims 7 – 9 and 22 - 24, Tatchell et al. does not teach using a pager or wireless computing device/laptop to access personal agent 11. However, in modern telecommunications systems, the integration of various types of telephony and computer devices is very old and well known such as wireless personal digital assistants (PDAs) or laptops with wireless communication capabilities. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have contemplated using other devices besides strictly telephony devices to interact with personal agent 11. Tatchell et al. as

discussed above, already contemplates using both landline and wireless telephones as well as receiving data and fax communications in addition to just voice communications. (Col.4 , line 34 and Col. 14, line 34, Col. 19, line 34 of Tatchell et al.)

As to claims 13 – 15 and 28 – 30, Tatchell et al. has been discussed above. What Tatchell et al. does not teach is routing an incoming call to voice mail if no routing response is received within a predetermined period or there is an invalid second number received. Tatchell et al. also does not teach validating a second, forward-to, number.

However, such features are very old and well known in the art. As to the no-response and invalid second number features, such are merely default routing conditions. Tatchell et al. teaches default routing to voice mail for example, when a caller is not one of a plurality of predetermined special groups of callers from whom a subscriber will accept calls. (Abstract, Col. 3, line 23 – Col. 4, line 29, Col. 16, line 48 – Col. 19, line 15 of Tatchell et al.) Tatchell et al., as already discussed above, also teaches that if a no answer or busy situation arises, a call is defaulted to voice mail. A no answer or busy is condition is analogous to not receiving a routing response at all.

The same is true of validating numbers before connecting calls thereto. It is a waste of resources and processing power of a system to connect a call to an invalid number. It is also annoying to callers to be forwarded to an invalid number.

For the above reasons, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have incorporated such features into the invention of Tatchell et al. inasmuch as their inclusion does not teach away from Tatchell et al, nor would they affect the operation of Tatchell's personal agent 11.

As to claim 31, see the rejection of claims 1, 2, 5, 17, and 20. Furthermore, personal agent 11 has therein, at least, a processor 21 and various databases which communicate with each other. (Fig. 2a of Tatchell et al.) Databases and processors are not the same type of elements, nor do they perform the same operations. As such, it is inherent that a network interface would have to be used to allow for those two different types of elements to interact.

What Tatchell et al. does not teach is the use of a system bus. However, system busses are extremely old and well known and merely allow different components of a system to be connected to a common link allowing for communication therebetween. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented personal agent 11 of Tatchell et al. in manner that utilized a system bus. The functionality and operation of personal agent 11 would not be affected by the use of a system bus as opposed to separate connections between the databases 22 and the processor 21. Moreover, Tatchell et al. does not even describe the type of connections used in personal agent 11. It could very well be that a system but is used.

Response to Arguments

4. Applicant's arguments with respect to claims 1 - 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,946,386 (Rogers et al.) teaches a call management system and method wherein incoming calls are displayed to a user along with certain information such as callerID information, and a user is able to input a choice corresponding to a desired call treatment.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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H.A.A.
July 26, 2004